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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,665	07/28/2003	Kuen-Chu Lai	U 014733-1	5233
7590 Ladas & Parry 26 West 61st Street New York, NY 10023			EXAMINER RIYAMI, ABDULLA A	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 05/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/628,665	<b>Applicant(s)</b> LAI ET AL.	
	<b>Examiner</b> Abdullah Riyami	<b>Art Unit</b> 2609	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

  
**DANG T. TON**  
**SUPERVISORY PATENT EXAMINER**

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to because for figure 1 descriptive legend are needed for the packet extractors and the hubs for clarity. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the

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amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### ***Claim Objections***

3. Claims 1 - 8 are objected to under 37 CFR 1.75 because of the following informalities:

In claim 1 lines 3 and 4, the occurrence of "contents of a packet" seems to refer back to "contents of a packet" in line 2. If this is true, it is suggested to change "contents of a packet" to --the contents of the packet--.

In claim 1 lines 10, 14 and 18, the occurrence of "third hub" seems to refer back to "a third hub" in line 7. If this is true, it is suggested to change "third hub" to --said third hub--.

In claim 8 line 6, the occurrence of "say first hub" seems to refer back to "first hub" in line 2. If this is true, it is suggested to change "say third hub" to --said first hub--.

In claim 8 line 7, it is suggested to remove "equips with".

Claims 2 - 7 are objected since they depend from claim 1.

Appropriate correction is required.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tosey (US 6,392,990 B1).

In claim 1, Tosey discloses a device for observing variations of network packets, comprising: a first I/O observer device (see column 4, line 55 – 58, and see figure 3) for analyzing the contents of a packet (see column 3, line 28-31); a second I/O observer device (see column 4, line 55 – 58) for analyzing the contents of a packet (see column 3, line 28-31); a third I/O observer device (see column 5, lines 13-15 and column 10, lines 13-17) for analyzing the contents of a packet (see column 3, lines 28-31); a first hub for transmitting the packets (see column 5, lines 15- 19 and figure 3); a second hub for transmitting the packets (see column 5, lines 15- 19); a third hub for transmitting the packets (see column 5, lines 15- 19 and column 10, lines 13-17);

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a first packet extractor (see column 5, lines 15- 19 and figure3) having a packet outputting end and a packet receiving end, wherein the packet receiving end of the first packet extractor is connected to the first hub, the second hub, and the third hub, and the packet outputting end of the first packet extractor is connected to the first I/O observer device; a second packet extractor (see column 5, lines 15- 19) having a packet outputting end and a packet receiving end, wherein the packet receiving end of the second packet extractor is connected to the first hub, the second hub, and the third hub, and the packet outputting end of the second packet extractor is connected to the second I/O observer device; and a third packet extractor (see column 5, lines 15- 19 and column 10, lines 13-17); having a packet outputting end and a packet receiving end, wherein the packet receiving end of the third packet extractor is connected to the first hub, the second hub, and the third hub, and the packet outputting end of the third packet extractor is connected to the third I/O observer device.

In claim 2, Tosey discloses the device, wherein the first I/O observer device is a personal computer (see column 4, lines 41-44).

In claim 3, Tosey discloses the device, wherein the second I/O observer device is a personal computer (see column 4, lines 41-44).

In claim 4, Tosey discloses the device, wherein the third I/O observer device is a personal computer (see column 4, lines 41-44 and column 5, lines 13-15).

In claim 5, Tosey discloses the device, wherein the first packet extractor comprises three network interface cards (see column 10, lines 13-17)

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respectively connected to the first hub, the second hub, and the third hub (see column 5, lines 15- 19 and column 10, lines 13-17).

In claim 6, Tosey discloses the device, wherein the second packet extractor comprises three network interface cards (see column 10, lines 13-17) respectively connected to the first hub, the second hub, and the third hub (see column 5, lines 15- 19 and column 10, lines 13-17).

In claim 7, Tosey discloses the device, wherein the third packet extractor comprises three network interface cards (see column 10, lines 13-17) respectively connected to the first hub, the second hub, and the third hub (see column 5, lines 15- 19 and column 10, lines 13-17).

In claim 8, Tosey discloses a device for observing network packets, comprising a first hub (see column 5, lines 15- 19 and figure 3); a second hub (see column 5, lines 15- 19); a third hub (see column 5, lines 15- 19 and column 10, lines 13-17); a first personal computer (see column 4, lines 41-44 and figure 3) provided with at least three network interface cards (see column 10, lines 13-17) respectively connected to the first hub, the second hub, and the third hub; a second personal computer (see column 4 lines 41-44) provided with at least three network interface cards (see column 10, lines 13-17) respectively connected to the first hub, the second hub, and the third hub; and a third personal computer (see column 4, lines 41-44 and column 5, lines 13-15) provided with at least three network interface cards (see column 10, lines 13-17) respectively connected to the first hub, the second hub, and the third hub.



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### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Restorer et al. (US 5,802,287), Bennett (US 5,742,602), Gang Jr. (US 4,897,841) and Gross (US/2002/0176367 A1) are recited to show a device for observing network packets.

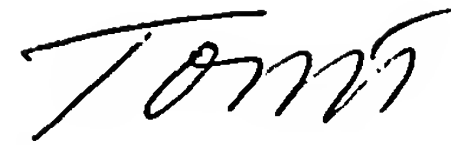
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdullah Riyami whose telephone number is (571) 270-3119. The examiner can normally be reached on Monday through Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on (571) 272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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